

REMARKS

By the present amendment, Applicants have amended Claims 1-6 and 8-13, and cancelled Claims 14-18. Claims 1-13 remain pending in the present application. Claims 1 and 13 are independent claims.

Applicants appreciate the courtesies extended to Applicants' representative during the personal interview held January 27, 2005. The present response summarizes the substance of the interview. At the interview an online video demonstration of Applicant's invention, and a proposed amendment to the claims were presented. The online video demonstration exhibited the apparatus for wrapping a napkin around one or more utensils in accordance with the presently claimed embodiments. Proposed amended Claim 1 set forth an apparatus for wrapping a napkin around one or more utensils. The apparatus includes: a housing, a support frame, a napkin lifting station, a napkin transfer station, a utensil transfer station, a napkin folding station, and a napkin wrapping station. The generally rectangular hollow housing has an output opening disposed on the housing, a utensil input and a napkin input. The support frame, positioned inside of the housing. The support frame has an assembly of vertically oriented beams and horizontally oriented support rails. The napkin lifting station receives and supports a stack of napkins. The napkins are placed onto the lifting station through the napkin input. The napkin transfer station transfers napkins to the napkin wrapping station. The utensil transfer station simultaneously places a plurality of utensils onto an individual napkin while the napkin is positioned on the napkin wrapping station. The utensil transfer station includes a plurality of cartridges for storing sorted stacks of different types of utensils, a feed conveyor belt transports the selected utensils to the napkin, and a bracket for mounts the utensil transfer station to the support frame. The napkin folding station for folding over two

diagonally opposed corners of the napkin prior to being wrapped by the wrapping station. The napkin wrapping station has a plurality of conveyor belts for wrapping a napkin around a predetermined amount of utensils. The napkin transfer station individually transfers napkins from the napkin lifting station to the napkin wrapping station. The napkin lifting station, napkin wrapping station, napkin transfer station, napkin folding station and utensil transfer station are each disposed on the support frame; such that a predetermined amount of utensils are automatically wrapped in a napkin for use as a place setting without the need of human contact.

Proposed amended Claim 13 set forth an apparatus for wrapping a napkin around one or more utensils. The apparatus includes: a housing, a support frame, a napkin lifting station, a napkin transfer station, a utensil transfer station, a napkin folding station, and a napkin wrapping station. The generally rectangular shaped, hollow housing has an output opening, a utensil input access door and a napkin input access door. The support frame, positioned inside of the housing, has an assembly of vertically disposed beams and horizontally disposed support rails. The napkin lifting station for receiving and supporting a stack of napkins, the napkins being placed onto the lifting station through the napkin input access door, the lifting station has a platform, with a flat top, a plurality of supports and a platform lift for incrementally lifting the platform after a predetermined amount of napkins are removed from the stack. The napkin wrapping station for wrapping a napkin around a predetermined amount of utensils, has a pair of sidewalls, an output conveyor belt disposed between the pair of sidewalls, a pair of counter-rotating napkin wrapping belts, a wrapping carriage has a plurality of winding rollers, a wrapping carriage shifter assembly and a plurality of actuators for operating the napkin wrapping station. The napkin transfer station for individually transferring napkins from the napkin lifting station to the napkin wrapping station, has a base plate with a flat bottom surface, a plurality of suction devices disposed on the bottom surface of the base plate, a

height adapter for raising and lowering the base plate, a pair of guide rails and a shifter assembly for repositioning the base plate along the guide rails. The utensil transfer station for simultaneously placing a plurality of types of utensils onto an individual napkin while the napkin is positioned on the napkin wrapping station, the utensil transfer station has a plurality of cartridges for storing a plurality of sorted types of utensils, a plurality of lifters for lifting each of the stacks of utensil out of the cartridges, a plurality of utensils grippers for removing individual utensils from the cartridges, a utensil shifter assembly for lifting and transporting the utensils onto the napkins and a bracket for mounting the utensil transfer station to the support frame. The napkin folding station for folding over corners of a napkin prior to being wrapped by the wrapping station, and has a folding arm with a suction device disposed on its bottom surface for releasably engaging the napkin, and a shifting assembly for allowing the folding arm to manipulate the napkin. The napkin lifting station, napkin wrapping station, napkin transfer station, napkin folding station and utensil transfer station are each disposed on the support frame, such that upon receiving a predetermined amount of utensils from the utensil transfer station, and depositing the predetermined amount of utensils on the napkin at the napkin wrapping station, the predetermined amount of utensils are automatically wrapped in the napkin.

Arguments were advanced that the applied prior art reference to Dunbar et al. failed to meet the features as set forth by the proposed claims. In particular, it was discussed that the disclosure of Dunbar et al. did not show the utensil transfer station as set forth in the proposed amendments to the claims, and that the napkin folding station for folding the corners of the napkin is not shown or disclosed in the Dunbar et al. reference as forth in the claims. The Examiner indicated that in addition to the proposed amendment changes, further defining the gripping members in the utensil transfer station would define the claimed embodiments over applied prior art reference.

The Examiner has maintained the propriety of the restriction requirement of record and has made it FINAL. Claims 14-18 were held withdrawn from consideration by the Examiner as being directed to a non-elected invention. Accordingly, it is proposed herein that the instant claims be canceled. However, it should be noted that under the provisions of 35 U.S.C. § 121 Applicants reserves the right to file a divisional application directed to the non-elected subject matter.

In the recent Office Action the Examiner rejected Claims 1-5, 7-9, and 13 under 35 U.S.C. § 102(b) as being anticipated by Dunbar et al. Claims 6, and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunbar et al. These rejections are respectfully traversed.

Applicants will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The applied prior art reference to Dunbar et al. discloses a napkin rolling apparatus for wrapping silverware in a napkin. The device as disclosed in Dunbar et al. includes a conveying system that positions a napkin beneath a utensil dispenser. The utensil dispenser, as described in Dunbar et al., is disposed above the napkin wrapping station and drops an assortment of utensils onto the napkin. The wrapper station of Dunbar et al., having a wrapping conveyor that is manipulated to surround the napkin and causes the napkin to wrap around the utensils. Upon completion of the wrapping cycle, the wrapped napkin and utensils continues down the same conveyor to an end point.

Applicants' claimed embodiment, as amended, sets forth the utensil transfer station including a plurality of utensil grippers that each individually lift a single one of the plurality of types of utensils from the cartridges, and deposits the utensils onto a feed conveyor, which transports the utensils onto the napkin. In addition, the napkin folding station folds two diagonally

opposite corners toward the utensils before the wrapping station wraps the napkin and utensils. By virtue of these features the presently claimed embodiments are not anticipated, nor rendered obvious by the applied prior art reference to Dunbar et al. Aside from any other teaching, other than Applicants' own disclosure, Applicants respectfully request the withdrawal of the Dunbar et al. patent as applied in the previous Office Action.

Applicants have amended the claims of this application to more clearly define the structure of the present embodiments, and have provided arguments distinguishing the instantly claimed embodiments over the applied prior art of record. Applicants respectfully submit that for at least these reasons, Claims 1-13 are allowable over the prior art applied of record.

The claims in this application have been revised to more particularly define Applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

For the foregoing reasons, Applicants respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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